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2007 SEP 10 AM 9:20

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HAWAII LABOR  
RELATIONS BOARD

Attorneys for Director of Labor  
and Industrial Relations

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of DIRECTOR,  
DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS,

Complainant,

vs.

GLOBAL HORIZONS, INC.,

Respondent.

) CASE NO. OSH 2007-10  
) (Inspection No. 310389564)  
)  
) STIPULATION AND SETTLEMENT  
) AGREEMENT; EXHIBIT A; APPROVAL  
) AND ORDER  
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**STIPULATION AND SETTLEMENT AGREEMENT**

Complainant Director of Labor and Industrial Relations ("Director") and  
Respondent GLOBAL HORIZONS, INC. ("Respondent") having reached a full and complete  
settlement of the above-captioned contested case presently pending before the Hawaii Labor  
Relations Board ("Board") stipulate and agree as follows:

On or about February 27, 2007, the Director, by and through the State of Hawaii's  
Occupational Safety and Health Division ("HIOSH"), inspected Respondent's workplace located  
at South Point Road, Naalehu, Hawaii, 96772.

As a consequence of said inspection, the Director, through HIOSH's Administrator, issued a Citation and Notification of Penalty on March 16, 2007 ("Citation") to Respondent alleging violations of the Hawaii Occupational Safety and Health Standards and assessed an aggregate penalty of \$1,500.00. *See Exhibit A.*

Respondent timely contested the Citation.

THEREFORE, to avoid the expense of litigation and to compromise and settle the above-captioned case, the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Board has jurisdiction over this contested case pursuant to section 396-11, Hawaii Revised Statutes ("HRS").

2. At all relevant times, Respondent maintained a workplace at South Point Road, Naalehu, Hawaii, 96772.

3. At all relevant times, Respondent was an employer, as defined in HRS § 396-3, and employed employees, as defined in HRS § 396-3, and was therefore subject to the requirements of HRS chapter 396, the Hawaii Occupational Safety and Health Law.

4. Respondent represents that it has abated the violation listed in the Citation because it does not operate nor employ any employees within the State of Hawaii.

5. The Citation is amended as follows: the violation is amended from a 'serious' characterization to an 'other-than-serious' characterization.

6. The Director reduces the aggregate penalty from \$1,500.00 to \$750.00 which shall be paid in full to the Director of Budget and Finance. Respondent shall remit to the Director \$750.00 by a certified or cashier's check to the Director prior to the filing of the instant Agreement at the Board.

7. Except for the stipulated amendments described in paragraphs 5 and 6 above, the Citation is confirmed in all other respects and upon approval by the Board, this

Agreement and the Citation, as amended, shall become a final order of the Director.

8. Respondent shall post a copy of this Agreement and Order in a prominent place at or near the location of the posting of the Citation, and the Agreement and Order shall remain posted for three working days (excluding weekends and State holidays).

9. Respondent shall continue to comply with HRS chapter 396, the Hawaii Occupational Safety and Health Law, and the related rules.

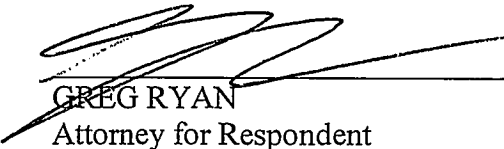
10. By entering into this agreement, Respondent does not admit that it violated the cited standard for any litigation or purpose other than a subsequent proceeding under the Hawaii Occupational Safety and Health Act, HRS chapter 396.

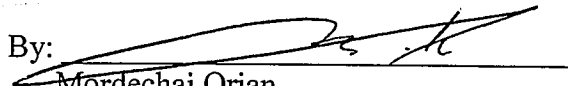
11. Nothing in this Agreement shall bar the Director from taking any action regarding future acts or practices by Respondent which may be alleged to violate HRS chapter 396, the Hawaii Occupational Safety and Health Law, or the related rules.

DATED: Honolulu, Hawaii, September 10, 2007.

APPROVED AS TO FORM:

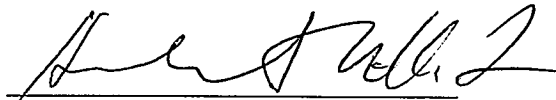
GLOBAL HORIZONS, INC.

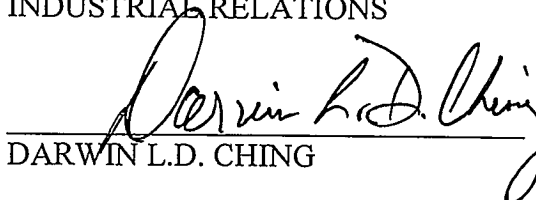
  
GREG RYAN  
Attorney for Respondent

By:   
Mordechai Orian  
President, Global Horizons, Inc.

APPROVED AS TO FORM:

DIRECTOR OF LABOR AND  
INDUSTRIAL RELATIONS

  
HERBERT B.K. LAU  
Deputy Attorney General  
Attorney for Director of Labor and  
Industrial Relations, State of Hawaii

  
DARWIN L.D. CHING

APPROVED AND SO ORDERED BY  
HAWAII LABOR RELATIONS BOARD:

ORDER NO. 262



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

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*Director of Labor and Industrial Relations v. Global Horizons, Inc.*; Case No. OSH 2007-10; Inspection No.  
310389564 - Stipulation and Settlement Agreement



State of Hawaii  
Department of Labor and Industrial Relations  
Hawaii Occupational Safety and Health Division  
830 PUNCHBOWL STREET, ROOM 425  
Honolulu, HI 96813  
Phone: (808) 586-9110 FAX: (808) 586-9104



Certified Number: 7003 1680 0000 9997 4254

## Citation and Notification of Penalty

**To:**  
Global Horizons Inc  
and its successors  
11111 Santa Monica Blvd  
Los Angeles, CA 90025

**Inspection Number:** 310389564 (Charles Clark)  
**Inspection Date(s):** 02/27/2007 - 03/02/2007  
**Issuance Date:** 03/16/2007  
**OSHC ID:** X8851  
**Optional Report No.:** 02707  
**Inspection Type:** Referral  
**Scope of Inspection:** Partial Inspection

**Inspection Site:**  
South Point Road  
Naalehu, HI 96772

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty describes violations of the Hawaii Occupational Safety and Health Law. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation and Notification of Penalty, you mail a notice of contest to the State of Hawaii Occupational Safety and Health Division (HIOSH) at the address shown above. Please refer to the enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Law has occurred unless there is a failure to contest as provided for in the Law or, if contested, unless this Citation is affirmed by the Hawaii Labor Relations Board (HLRB) or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Administrator during the 20 calendar day contest period. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Administrator within 20 calendar days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 4, Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Employers' Right to Contest** - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Administrator in writing that you intend to contest the citation(s) and/or penalty(ies) within 20 calendar days after receipt, the citation(s) and the penalty(ies) will become a final order of the Department of Labor and Industrial Relations and may not be reviewed by any court or agency. Once a letter of contest is received, it becomes the jurisdiction of the HLRB.

**Penalty Payment** - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "Director of Budget and Finance." Please indicate the Inspection Number on the remittance.

HIOSH does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** - For each violation which you do not contest, you are required by Section 12-51-22 to submit an Abatement Certification to HIOSH. The certification must be sent by you within 5 calendar days of the abatement date indicated on the citation. For **Willful and Repeat** violations, documents (example: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by Section 12-55-22 to be sent to HIOSH, also be posted at the location where the violation appeared and the corrective action took place.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 60 days after the discrimination occurred with the Hawaii Occupational Safety and Health Division at the address shown above.

**Employer Rights and Responsibilities** - The enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Employees' Right to Contest** - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Hawaii Occupational Safety and Health Division at the address shown above and postmarked within 20 calendar days of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** - you should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [WWW.OSHA.GOV](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with HIOSH to discuss the citation(s) issued on 03/16/2007. The conference will be held at the HIOSH office located at 830 PUNCHBOWL STREET, ROOM 425, Honolulu, HI 96813 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**STATE OF HAWAII**

Department of Labor and Industrial Relations  
Hawaii Occupational Safety and Health Division

Inspection Number: 310389564  
Inspection Dates: 02/27/2007 - 03/02/2007



830 Punchbowl Street, Room 425  
Honolulu, HI 96813

Issuance Date: 03/16/2007

**Citation and Notification of Penalty**

Company Name: Global Horizons Inc  
Inspection Site: South Point Road, Naalehu, HI 96772

**Citation 1 Item 1 Type of Violation: Serious**

29 CFR 1910.142(b)(2) [Refer to chapter 12-67.2, HAR] was violated because:

From September 17-30, 2006 there were 28 occupants living at the Kau Gold property. From October 1-7, 2006 there were 32 occupants living at the Kau Gold property. From October 8-14, 2006 there were 31 occupants living at the Kau Gold property. The property is only authorized to house 26 occupants.

29 CFR 1910.142(b)(2) states "Each room used for sleeping purposes shall contain at least 50 square feet of floor space for each occupant. At least a 7 foot ceiling shall be provided."

Location: Kau Gold Housing

Date By Which Violation Must be Abated:  
Penalty:

03/20/2007  
\$1,500.00

NELSON B. BEFITEL  
DIRECTOR

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

4/9/07

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature: <i>Karl J. Hunt</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): _____ C. Date of Delivery: <i>3/20/07</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below: _____</p>
<p>1. Article Addressed to: <i>310389564</i></p> <p><i>Mr. Larry Collins, Manager</i> <i>Global Horizons, Inc.</i> <i>11111 Santa Monica Boulevard</i> <i>Los Angeles, California 90025</i></p>	<p>3. Service type:  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>2. Article Number: _____ (Transfer from service label)</p>	<p>7003 1680 0000 9997 4254</p>
<p>PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540</p>	

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For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Safety Postage	\$ <i>1.87</i>	310389564
Certified Fee	2.40	
Return Receipt Fee (Endorsement Required)	1.85	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ <i>5.12</i></b>	

Sent To  
**Global Horizons, Inc.**  
 Street, Apt. No., or PO Box No. **11111 Santa Monica Boulevard**  
 City, State, ZIP+4 **Los Angeles, California 90025**

PS Form 3800, June 2002 See Reverse for Instructions

State of Hawaii  
Department of Labor and Industrial Relations  
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION  
830 PUNCHBOWL STREET, ROOM 425  
Honolulu, HI 96813

### SUMMARY OF PENALTIES

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Company Name: Global Horizons Inc  
Inspection Site: South Point Road  
Naalehu, HI 96772  
Issuance Date: 03/16/2007

Summary of Penalties for Inspection Number 310389564

Citation 01, Serious = \$1,500.00

**TOTAL PENALTIES = \$1,500.00**

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Make check or money order payable to the "Director of Budget and Finance." Please indicate the inspection number and dba, if company name is different, on the remittance. A fee of \$15.00 will be charged for any returned checks.

If receipt is desired, please indicate with payment; otherwise, your cancelled check will be your receipt.